

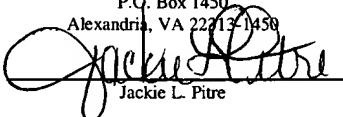
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/848,965 §  
Confirmation No.: 8816 §  
Filing Date: May 4, 2001 §  
Inventor: §  
Powell, Clois E. §

Examiner: Sanders, K. A.  
Art Unit: 1714  
Atty. Dkt. No: 5628-02102

Title: PROCESS FOR TREATING §  
SMECTITE CLAYS TO §  
FACILITATE EXFOLIATION §

<p>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: 2/5/04</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:</p> <p>Commissioner for Patents P.O. Box 1450 Alexandria, VA 22213-1450</p> <p> Jackie L. Pitre</p>
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**PAYMENT OF ISSUE FEE**

**MAIL STOP: ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Sir:

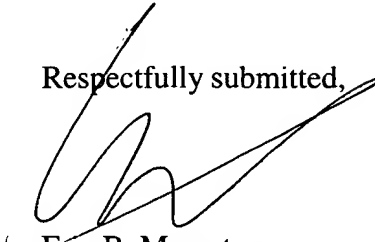
Please find enclosed:

- 1) Issue Fee Transmittal Form PTOL-85B (1 page);
- 2) Comments Regarding Patent Term Adjustment Calculation (2 pages);
- 3) A fee authorization in the amount of \$1,645.00 (2 pages); and
- 4) A return postcard evidencing receipt of these materials.

Clois E. Powell  
09/848,965

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5628-02102/EBM.

Respectfully submitted,



Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
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AUSTIN, TX 78767-0398  
(512) 853-8800 (voice)  
(512) 853-8801 (facsimile)

Date: 2/5/04



PATENT

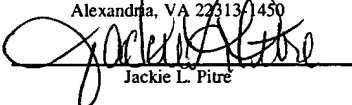
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**COMMENTS REGARDING PATENT TERM ADJUSTMENT CALCULATION**

**MS ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**THIS LETTER IS NOT AN APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705. RATHER, THESE COMMENTS ARE PROVIDED TO INDICATE THAT THE APPLICANT BELIEVES THE PATENT TERM ADJUSTMENT APPEARING ON THE NOTICE OF ALLOWANCE MAY BE LONGER THAN APPROPRIATE. ACCORDINGLY, FEES ASSOCIATED WITH THIS LETTER ARE NOT BELIEVED NECESSARY AND ARE NOT AUTHORIZED. FURTHER, THIS SUBMISSION DOES NOT CONSTITUTE A SUBMISSION WITHIN THE MEANING OF 37 C.F.R. § 1.704(c). THEREFORE, NO TERM EXTENSION REDUCTIONS ARE APPLICABLE TO THIS SUBMISSION.**

Pursuant to Applicant's general obligation of candor and good faith in practice before the Patent and Trademark Office, and Applicant's duty to disclose what are believed may be errors in the calculation of the Patent Term Adjustment by the Office, Applicant submits this letter in order to indicate the Patent Term Adjustment as indicated

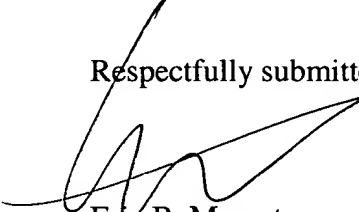
on the Notice of Allowance for the above referenced patent application may be longer than appropriate.

Applicant submits this letter in accordance with the following direction provided by the Office in its comments regarding possible errors in calculation of the Patent Term Adjustment:

A registered practitioner is under a general obligation of candor and good faith in practice before the Office. . . . [A] practitioner signing the PTOL-85B does so pursuant to § 10.18, which means, for example, . . . that the patent term adjustment is correct to the best of his or her knowledge, information and belief, formed after an inquiry reasonable under the circumstances. . . . In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate. (emphasis added).

Changes To Implement Patent Term Adjustment Under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 56366, 56387 (September 18, 2000) (Office's response to comments) (Final Rule codified at 37 C.F.R. pt. 1).

Respectfully submitted,



Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicant

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